

RUMSON PLANNING BOARD

AUGUST 6, 2012

MINUTES

Vice Chairman Casazza called the regular meeting to order at 7:30 p.m. with the Pledge of Allegiance. The requirements of the Open Public Meetings Act were stated as met. The roll was called, with the following members present: Casazza, Rubin, Shanley, Williams, White, Clark, Hewitt, Seaman. Also present: Michael Steib (Board Attorney), Fred Andre (Zoning Officer), Bonnie Heard (T&M Assoc.), and State Shorthand Services.

At this time, a moment of silence was observed in memory of Charles Callman, who recently passed away. Vice Chairman Casazza commented on his many years of service to the community.

Approval of Minutes

Motion was made and seconded to approve the minutes from the June meeting. Voice Vote: Ayes, unanimous.

Resolutions

- 1. Rumson Country Club, 163 Rumson Road** – Resolution permitting administrative approval for modifications of preliminary and final major site plan approval, granted 3/1/10. Mr. Shanley moved to adopt the resolution, and Councilman Rubin seconded:

Roll Call Vote: Ayes (Eligible) – Casazza, Rubin, Clark, Williams

Nays – None

Motion carried.

Pamela Diaco / Michael & Roberta Protegello, 90 & 94 Buena Vista Ave., & 21 Conover Lane

Mark Aikens, applicant's attorney, explained their minor request for an extension of the approval received 12/5/11. Ms. Heard noted that the driveway plan has not yet been received. The Freehold Soil approval will also be provided by the applicant. Any extension would be subject to these documents being provided. Also, Mr. Steib noted that the approval expiration date was 6/16/12, so a 60-day extension would only give them to August. He would suggest requesting a 90-day extension. There were no objections from any of the Board members. Mr. Shanley moved to grant a 90-day extension, and Mrs. Seaman seconded.

Roll Call Vote: Ayes – Casazza, Rubin, White, Seaman, Clark, Hewitt, Shanley, Williams

Nays – None

Motion carried.

Home & Land Development, Inc., 41 Waterman Ave.

Mr. Steib reported that the service was in order, and the Board has jurisdiction to hear the application. The completeness issues need to be considered, however, before the application can be heard. Ms. Heard reviewed the outstanding items, which she stated can be waived with no objection, except for the wetlands LOI, which needs to be provided.

Michael Bruno, attorney, appeared on behalf of the applicants. He stated that they have applied for the LOI, but it has not yet been issued. This could be made a condition of approval. Mr. Steib said there is a provision in the Land Use Law that conditional approval could be granted in this case.

There is another issue regarding the height of the structure, and Ms. Heard said it appears that the height exceeds the ordinance requirement. The architect's plan does not take the flood plain into consideration.

Mr. Bruno said they amended the height for the purposes of the notice to allow the home to be constructed without a “D” variance. Ms. Heard stated that the flood zone elevation is 8’, and Mr. Bruno said they have adjusted their ceiling height to reflect the flood requirements, bringing them to the 32’, as described in the notice. They have no intention to request a “D” variance, and any plans will be adjusted to meet the “C-2” variance requirements.

Mr. Steib advised that the Board can proceed to hear testimony and grant the variance they are requesting, if they approve the application. Councilman Rubin moved to waive the completeness issues and allow testimony to be heard, conditioned on a satisfactory LOI being provided, and the building height from the existing grade not to exceed 30’ plus 10%. . Mrs. Seaman seconded.

Roll Call Vote: Ayes – Casazza, Rubin, White, Seaman, Clark, Shanley, Williams, Hewitt

Nays – None

Motion carried.

Mr. Bruno said that the applicant is agreeable to this. He described the property, noting there are currently two lots existing, and there will still be two lots after completion; however, they will have water front vistas. This is a minor subdivision with no variances, except for the height issue, as described earlier.

Mr. Steib noted the following exhibitions presented:

- A-1 – Subdivision application;
- A-2 – Minor subdivision application
- A-3 – Minor subdivision plan, dated 5/9/12;
- A-4 – Architectural elevations and drawings, dated 5/9/12;
- A-5 – Completeness and engineering review from T&M Assoc., dated 7/11/12.

Thomas Santry, project engineer, was sworn in, and the Board accepted his qualifications. He prepared the subdivision plan before the Board this evening, and he explained their plan to create two east/west waterfront lots. Currently on the property is a single-family dwelling, with two sheds in the rear. There is a small pier, also. The applicant proposes to remove the existing structure, change the lot line, and construct two new homes that comply with all Storm Water Management requirements.

Mr. Santry noted that this area of the borough experiences a problem with a low grade. The existing house grade is about elevation 5’. FEMA requires an 8’ elevation, and the state requires the first floor elevation to be 9’. This is the reason they are seeking the “C” variances and the 32’2” height. The LOI is in the works, according to Mr. Santry. The homes would be designed so they do not encroach into the wetlands area. The applicant agrees that they cannot proceed until the LOI is received. The buffer areas were explained by Mr. Santry, but he does not feel the regulations would apply to this property, due to the developed nature of the lots.

Ms. Heard asked about the usable lot area, and Mr. Santry said they expect it to be as shown on the schedule, depending upon the buffer area. Ms. Heard said buffer area conditions would be included, and Mr. Santry said they would still have enough usable building area. Mr. Bruno said they are not seeking any relief from this requirement.

Mr. Casazza wanted to make sure they stay within the 10% additional overall height, and the Board agreed this would be a condition of any approval.

Mrs. White understands the flood requirement, but she also asked about any issues that will occur with surrounding properties due to the grade change. Mr. Santry said the home to the south is higher, and they may need to use some retaining or landscape walls to make sure the drainage does not adversely impact the neighbors. It was explained that the grade will be raised, but the first floor will be higher from the ground. Mr. Santry said they expect to minimally change the grade, and any building plan would need to be submitted for the Borough Engineer's approval.

Mr. Shanley asked if they could change the height inside the house to closer meet the height requirement. Charles Farkouh, applicant, was sworn in and addressed this issue, noting that he brought the pitch of the roof down to keep it at 32' 7", keeping it within 10% additional of the existing height. The house will have extra steps to the front door to meet the flood requirements. In order to meet the ordinance requirement, he would only be able to provide 7' ceilings, and a low roof pitch. He did not think anyone would want a flat roof, due to maintenance problems. This issue occurs very often in this area, which is very low.

Mr. Bruno noted that the "C-2" variance, which they are seeking, says that their plan is better than having a flat roof. There is also no negative impact, in his opinion.

Mr. Casazza suggested bringing down the floor joists, which could provide another 6" that would be closer to the town's regulations. Mr. Farkouh said he would still be over 30' with this suggestion.

Svetang Petroff, 51 Waterman Ave., asked if they planned to install a bulkhead, and Mr. Farkouh said no bulkhead is planned.

There were no other questions or comments from the public.

Mrs. White thinks the aesthetics are important for the people in the neighborhood. Mr. Farkouh noted that their proposal matches other homes currently in the area.

Councilman Rubin acknowledged that the flood height is a problem for a builder, and the Board has the discretion to give them the 10% additional height, which he does not think is that much.

Mr. Shanley would prefer they try to change the building heights and come closer to the requirements of the ordinance.

Mr. Hewitt thinks the neighbors would prefer to have a better design in their neighborhood.

Mrs. Williams asked about the heights of other homes in the area, and Mr. Santry said that the house to the south is 30-35' in height.

Mrs. Seaman does not object to the 10% additional height; however, she does not want to see the neighbors adversely affected by the change in the grade. Mr. Santry again explained that they will not be changing the grade substantially, but they will be providing more steps to the door. Plot plans will be submitted, and the engineer will be required to approve the overall plans.

Mr. Shanley thinks the grading in the rear will increase the water to the next-door neighbor's property. Mr. Santry said the purpose of the grading is to eliminate any damage to other properties, and the Borough Engineer will be reviewing their plan to confirm this.

Mr. Bruno knows that drainage is very important in this neighborhood, and their plan may even prove to improve the drainage.

The trees were discussed, and the Board was informed by William Brooks, Borough Arborist, regarding the condition of the American Hollies that will be replaced, due to the poor condition of these trees. Ms. Heard said this is also a variance, because they are protected trees. Mr. Farkouh will be replacing these with like specimens – 10' in height.

There being no more discussion, Mrs. Seaman moved to approve the application, with the condition of the receipt of the LOI and the height not to exceed 10% of that allowed under the ordinance. Mr. Hewitt seconded.

Roll Call Vote: Ayes – Casazza, Rubin, White, Seaman, Clark, Williams, Hewitt

Nays – Shanley

Motion carried.

At this time (8:25 p.m.) and there being no further business and no need for any executive session, motion was made and seconded to adjourn. Voice Vote: Ayes, unanimous.

The next meeting is **September 10, 2012.**

Respectfully submitted,

Patricia Murphy
Clerk